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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

**SAN FRANCISCO BAY AREA RAPID
TRANSIT DISTRICT**, a multi-county
rapid transit district established and
existing under the laws of California;

Plaintiff,

vs.

WILLIAM D. SPENCER, an individual;
F.W. SPENCER & SON, INC., a
California corporation; **BRISBANE
MECHANICAL CO.**, a California
corporation; **WILLIAM MCGAHAN**, an
individual; **BRUCE R. BONAR**, an
individual; and **DOES 1-25**,

Defendants.

Case No. C 04 4632 SI

**JOINT APPLICATION FOR 48-HOUR
ENLARGEMENT OF TIME FOR PRE-
TRIAL FILINGS**

Trial Date: January 22, 2007

1 In light of the Court's Order, served by the Electronic Case Facility at 3:39 p.m. today,
 2 denying plaintiff's motion for reconsideration concerning summary judgment on plaintiff's unjust
 3 enrichment claim, the parties hereby jointly request an extension of time of 48 hours to file the
 4 joint pre-trial conference statement and other pre-trial filings specified in the Court's prior case
 5 management order.

6 Because the Court had ordered defendants to file their opposition to the motion for
 7 reconsideration by January 10, plaintiff did not anticipate that the Court would decide the motion
 8 today. Consequently, plaintiff drafted its portions of the joint pre-trial conference statement with
 9 the assumption that the motion for reconsideration still would be pending at the time of filing and,
 10 thus, the pending motion and potential for reinstatement of the unjust enrichment claim
 11 profoundly affected the content of the pre-trial submissions. In addition, during the parties' meet
 12 and confer conferences on pre-trial submissions, they conferred under impression that this motion
 13 was still pending and would not be decided at the time of filing those submissions. The parties
 14 both agree that an extension of time of 48 hours to file the pre-trial submissions would be helpful
 15 as a result of this development.

16
 17 DATED: January 9, 2007

SQUIRE, SANDERS & DEMPSEY L.L.P.

18
 19 By: /s/Evan S. Nadel

Eduardo G. Roy
 Rodney R. Patula
 Evan S. Nadel
 Daniel T. Balmat

21
 22 Attorneys for Plaintiff

23 DATED: January 9, 2007

MCINERNEY & DILLON, P.C.

24 By: /s/Timothy L. McInerney

25 Timothy L. McInerney
 LeCarie S. Whitfield
 Gregory J. Gangitano

26
 27 Attorneys for Defendants

28 *(Continued on Next Page)*

(Continued From Previous Page)

IT IS SO ORDERED.

DATED: _____


HON. SUSAN ILLSTON

PROOF OF SERVICE
(Pursuant to Federal Law)

The undersigned certifies and declares as follows:

I, JOHN R. AGUILAR, am a resident of the State of California and over 18 years of age and am not a party to this action. My business address is One Maritime Plaza, Suite 300, San Francisco, California 94111-3492, which is located in the county where any non-personal service described below took place.

On January 9, 2007, a copy of the following document(s):

**JOINT APPLICATION FOR 48-HOUR ENLARGEMENT OF TIME FOR
PRE-TRIAL FILINGS**

via United States District Court Electronic Filing Service on the party(ies) as set forth below:

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I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made. Executed on January 9, 2007, at San Francisco, California.

/s/John R. Aguilar
JOHN R. AGUILAR